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15 IN THE UNITED STATES DISTRICT COURT
16 FOR THE NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION
18

19 CENTER FOR BIOLOGICAL DIVERSITY,

20 Plaintiff,

21 v.

22 LISA JACKSON, in her official capacity as
23 Administrator of the United States
24 Environmental Protection Agency, and
25 ENVIRONMENTAL PROTECTION
26 AGENCY,
27

28 Defendants.

Case No. 3:10-cv-01846-MMC

ORDER APPROVING
**SECOND STIPULATION ~~AND ORDER~~
TO EXTEND ANSWER DEADLINE
AND TO CONTINUE INITIAL
DISCOVERY, ADR DEADLINES,
AND CASE MANAGEMENT
CONFERENCE**

SECOND STIPULATION AND ORDER TO EXTEND ANSWER DEADLINE
AND TO CONTINUE INITIAL DISCOVERY, ADR DEADLINES,
AND CASE MANAGEMENT CONFERENCE

Case No. 3:10-cv-01846-MMC

1 WHEREAS, on April 29, 2010, Plaintiff Center for Biological Diversity filed a complaint
2 in the above-captioned matter against the United States Environmental Protection Agency and its
3 Administrator, Lisa Jackson (collectively, "EPA"), alleging that EPA has failed to undertake
4 certain nondiscretionary duties under the Clean Air Act, 42 U.S.C. §§ 7401-7671q;

5
6 WHEREAS, on September 23, 2010, Plaintiff and EPA tentatively agreed to the terms of
7 a settlement that will, if approved and entered, fully resolve Plaintiff's claims;

8 WHEREAS, any final settlement of this case must be approved by authorized officials at
9 the United States Department of Justice and EPA, a process that can take several weeks to
10 complete;

11
12 WHEREAS, at least 30 days before any final settlement of this matter can be entered,
13 EPA must provide notice of such settlement in the *Federal Register* and an opportunity for
14 public comment pursuant to Section 113(g) of the Clean Air Act, 42 U.S.C. § 7413(g);

15
16 WHEREAS, on June 24, 2010, this Court entered a stipulated order extending the
17 deadline for EPA to respond to Plaintiff's complaint, and continuing initial discovery, ADR
18 deadlines, and the initial case management conference;

19 WHEREAS, the parties believe that the requested extensions and continuances below
20 will not adversely affect the schedule of this case;

21
22 NOW THEREFORE the parties, pursuant to Local Rules 6-2 and 7-12, Plaintiff and EPA
23 hereby stipulate to the following:

24 1. EPA's time for responding to Plaintiff's complaint is extended by 120 days, to
25 January 25, 2011;

26 2. The parties' deadline to meet and confer regarding initial disclosures, early settlement,
27 ADR process selection, and discovery planning is continued to March 29, 2011;

28
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1 3. The parties' deadline to file initial disclosures, a Case Management Statement, and a
2 Rule 26(f) Report is continued until March 29, 2011;

3 4. The initial case management conference is continued until April 4, 2011, or a date
4 thereafter set by the Court.
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7 **COUNSEL FOR DEFENDANTS:**

8 Dated: September 23, 2010

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11 s/ Adam J. Katz
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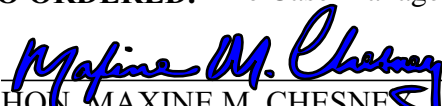
18 **COUNSEL FOR PLAINTIFF:**

19 Dated: September 23, 2010

s/ Robert Ukeiley (with permission)
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25 **PURSUANT TO STIPULATION, IT IS SO ORDERED.** The Case Management Conference
26 is CONTINUED to April 8, 2011.

27 Dated: September 24, 2010


28 HON. MAXINE M. CHESNEY
UNITED STATES DISTRICT JUDGE

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